

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 2:18-cv-09839-PSG (MAA) Date: January 7, 2020

Title Eugene Oliver Swan v. Josie Gastelo *et al.*

Present: The Honorable MARIA A. AUDERO, United States Magistrate Judge

Chris Silva
Deputy Clerk

N/A
Court Reporter / Recorder

Attorneys Present for Plaintiff:
N/A

Attorneys Present for Defendants:
N/A

**Proceedings (In Chambers): Order to Show Cause Why This Case Should Not Be
Dismissed for Want of Prosecution**

On December 3, 2019, the Court issued a Memorandum Decision and Order Dismissing Complaint with Leave to Amend. (Order Dismiss Compl., ECF No. 26.) In the Order, the Court ordered Plaintiff Eugene Oliver Swan (“Plaintiff”) to, no later than thirty days after the date of the Order, either file a First Amended Complaint (“FAC”) or advise the Court that Plaintiff does not intend to file a FAC. (*Id.* at 1, 11–12.) The Court explicitly cautioned Plaintiff that **“failure to timely file a FAC, or timely advise the Court that Plaintiff does not intend to file a FAC, will result in a recommendation that this action be dismissed for failure to prosecute and/or failure to comply with court orders pursuant to Federal Rule of Civil Procedure 41(b).”** (*Id.* at 13.)

To date, Plaintiff has filed neither a FAC nor a Notice of Dismissal of the action. (A Notice of Dismissal form is attached to this order.) Plaintiff is **ORDERED TO SHOW CAUSE** by **February 6, 2020** why the Court should not recommend that the case be dismissed for want of prosecution. *See* Fed. R. Civ. P. 41(b); C.D. Cal. L.R. 41-1. If Plaintiff files a FAC or a Notice of Dismissal on or before that date, this Order to Show Cause will be discharged, and no additional action need be taken.

Plaintiff is advised that failure to comply with this order will result in a recommendation that the lawsuit be dismissed without prejudice for failure to prosecute and/or comply with court orders. *See* Fed. R. Civ. P. 41(b); C.D. Cal. L.R. 41-1.

It is so ordered.

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Attachment

Notice of Dismissal (CV-09)

Time in Court: 0:00
Initials of Preparer: CSI